

EXHIBIT 4

Coach,

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

On our podcast episode together, we discussed the provision of the settlement agreement that would hold you liable for any losses or legal fees associated with any action arising out of further episodes we do together. In that discussion, you stated your interpretation of that provision as allowing you to undertake the representation yourself. When Andy challenged that interpretation, you chided him with the implication that the parties could litigate that matter if needed. This exchange, [REDACTED]

[REDACTED] With all due respect to you, we would prefer not to find ourselves in new lawsuits and if such happens, we would, as Andy said, prefer to hire impartial counsel of our own.

[REDACTED]

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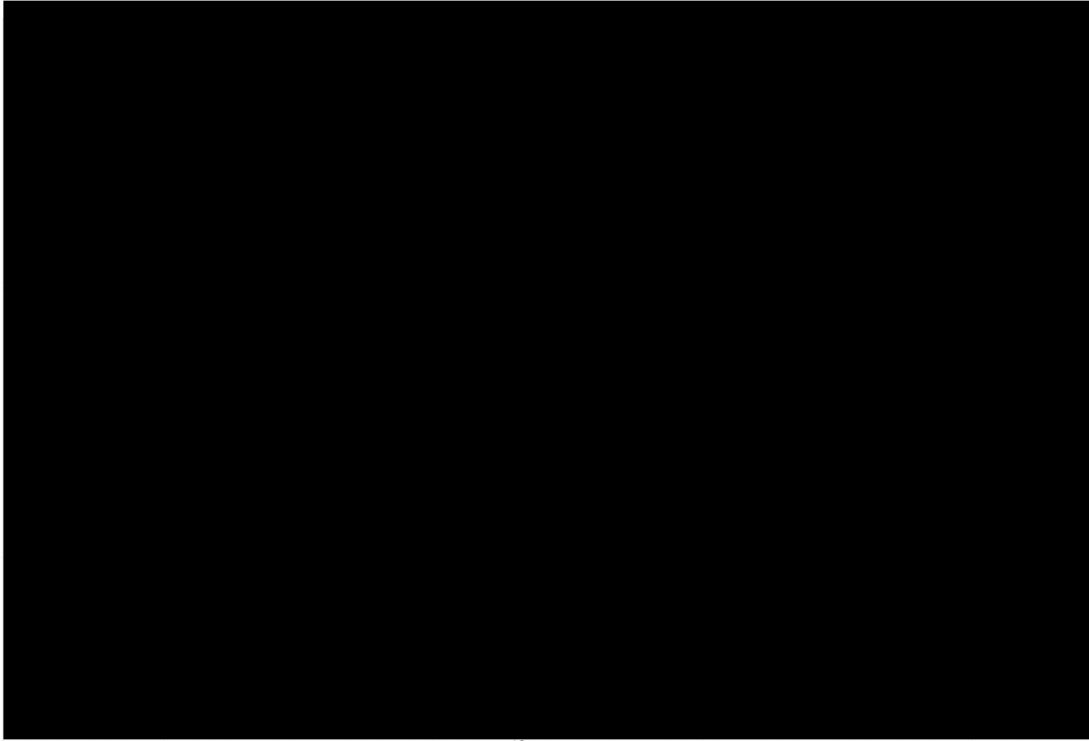
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While we appreciate you running with the bit from the Follow-Up Episode we did together, the proliferation of ALAB-related sites has caused a fair amount of confusion among listeners and to persons who might be looking for the podcast.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Coach

Edward "Coach" Weinhaus, Esq.



Continuing Lecturer (in Exile), UCLA Anderson School of Management



Episode 9: A Charnel-House for Children

COLD OPEN WITH BLOOMBERG PLAN TO HAVE RIKERS INMATES DIG CORONAVIRUS DITCHES

I. “The Technocrat”: [NOTE: NO MORE THAN 10 MINUTES ON PART ONE]

Describe company, holdings

- Investment banker at Salomon Bros
 - Laid off, bought out for 10M
 - Used money to start company
- Development of terminal and its use
 - The terminal is basically just rent-seeking - something new entries into financial markets have to use because the major players are doing so
 - “It also has news, instant messages, and chat rooms, many of which are anonymous, where users can talk about financial issues. Like with any message board, they can go pretty far off-topic. One credit research analyst told me the chat rooms are “fucking cesspools” that are often jokes about weight-lifting and complaints about female presidential candidates.”
 - Subscriptions cost between \$20,000 and \$24,000 annually, and right now, there are more than 325,000 subscribers signed up.

<https://www.google.com/url?q=https://www.vox.com/2020-presidential-election/2019/12/11/21005008/michael-bloomberg-terminal-net-worth-2020&sa=D&ust=1583089120995000&usg=AFQjCNHDnxMg-Ac54ugpH9NKIEYIZHPdHQ>

- Media properties

Mayor of New York 2002-2013

- History of buying out elections: Able to outspend opponents who used public financing
 - <https://nymag.com/news/politics/25015/>: “Money also played a substantial part in his landslide reelection: Having shattered city campaign records in 2001 by spending \$74 million, in 2005 he indulged in wanton overkill, plowing through \$85 million to thrash a hapless opponent.”
 - Third term controversy
<https://www.nytimes.com/2009/04/03/nyregion/03bloomberg.html>
“Using significant amounts of money early in the race could badly hobble Mr. Thompson, since his total spending is capped under the city’s public campaign-financing system. Mr. Bloomberg, by contrast, is not subject to caps. He is not participating in the public-financing program and is expected to spend up to \$80 million of his own money on the election.”
- Nanny stater:
 - Smoking ban
 - Sugary beverage ban - capping portion sizes at 16 ozs

- Overturned by court
- Breastfeeding plan

Post mayoral role as political donor/fixer

- Him saying he bought the current house majority
- Lieberman:
 - <https://nymag.com/news/politics/25015/>: “And there was Senator Joe Lieberman, the country’s most prominent independent, whom Bloomberg aided by dispatching a squad of seasoned hands to shore up his faltering operation. “No one in public life,” Lieberman says, “has done more for me in this campaign than Mike.”

Terrible person -

- blaming poor for crash,
 - Redlining - “It probably all started back when there was a lot of pressure on banks to make loans to everyone,” Mr. Bloomberg said in a lecture at Georgetown University in September 2008. “Redlining, if you remember, was the term where banks took whole neighborhoods and said, ‘People in these neighborhoods are poor, they’re not going to be able to pay off their mortgages, tell your salesmen don’t go into those areas. And then Congress got involved — local elected officials, as well — and said, ‘Oh that’s not fair, these people should be able to get credit,’” he continued. “And once you started pushing in that direction, banks started making more and more loans where the credit of the person buying the house wasn’t as good as you would like.”
<https://www.nytimes.com/2020/02/13/us/politics/michael-bloomberg-redlining.html>
- sex harass cases --
 - nearly 40 discrimination and harassment lawsuits from 64 employees
 - At least as early as 1991 the pregnancy discrimination cases were an issue
<https://www.theguardian.com/observer/comment/story/0,,493276,00.html>

Presidential Candidacy

- Ad spend - half a billion and counting
- Paying influencers, astroturfing memes
- Paying for endorsements - mayor academy (Harvard City Leadership Initiative)
- Flirting with it for more than two decades
 - “In his 1997 autobiography, Bloomberg by Bloomberg, he announced his belief that he’d make a terrific mayor, governor, or president.”
 - “Long before Bloomberg occupied City Hall, his ambition, energy, and ego were nearly limitless, and his success as mayor has enlarged them exponentially. Today, he seems to view himself as a man of destiny, whose wealth and wisdom empower him to transform not just the city but the country and even the world. Now he faces a fateful choice: between the well-trod, comforting, ennobling path

of philanthropy and something far more exciting, grandiose—and arguably quite absurd."

<https://nymag.com/news/politics/25015/>

- Initially said he couldn't run because he refused to do "an apology tour":
 - March 2019: "It's just not going to happen on a national level for somebody like me starting where I am unless I was willing to change all my views and go on what CNN called an apology tour,"
 - Then he (sort of) apologizes right before announcing his bid in , revealing, among other things, he still doesn't get it at all:
 - November 2019, just before announcing, at a black church in Brooklyn: "Now hindsight is 20/20. But as crime continued to come down as we reduced stops and as it continued to come down during the next administration to its credit, I now see that we could and should have acted sooner. And acted faster to cut the stops. I wish we had. And I'm sorry that we didn't," Bloomberg said.
 - On the trail, says (a) he discovered it was a problem; (b) he stopped it; and (c) he cut it back by 95% -- all lies!
- PLUS he was still defending it through January 2019:
 - Jan 2019: "We focused on keeping kids from going through the correctional system ... kids who walked around looking like they might have a gun, remove the gun from their pockets and stop it," Bloomberg said. He added that "the result of that was, over the years, the murder rate in New York City went from 650 a year to 300 a year when I left."
 - 2013: One newspaper and one news service, they just keep saying 'oh it's a disproportionate percentage of a particular ethnic group.' That may be, **but it's not a disproportionate percentage of those who witnesses and victims describe as committing the [crime].** In that case, incidentally, **I think we disproportionately stop whites too much and minorities too little.** It's exactly the reverse of what they're saying. I don't know where they went to school, but they certainly didn't take a math course. Or a logic course.
 - 2015: was still crowing proudly about this shit (Aspen speech):
 - "95% of your murders and murderers and murder victims fit one M.O. You can just take the description and Xerox it and pass it out to all the cops. They are male minorities 15 to 25."
 - "People say, 'Oh my God, you are arresting kids for marijuana who are all minorities.' Yes, that's true. Why? Because we put all the cops in the minority neighborhoods. Yes, that's true. Why'd we do it? Because that's where all the crime is. And the way you should get the guns out of the kids' hands is throw them against the wall and frisk them,"

II. Stop and Frisk

History

- Terry Stops: Terry v Ohio, a 1968 case
 - 4th amendment protects against unreasonable search and seizure

- Terry stop is midway between a consensual discussion and an arrest
 - Legal to stop, if reasonable suspicion of criminality
 - Legal to conduct a limited search if reasonably suspect that the person is armed
 - Origin of Bloomie era stop and frisk in NY - He didn't invent it he just LOVED IT
 - Grew under Bloomberg to its height in 2011
 - Began with Broken Windows theory in the 1980s
 - Bratton under Giuliani, Compstat, data driven policing
 - Tremendous pressure to pad stats
 - That said, crime rates were already declining under Giuliani
 - Gave to charity to try to offset criticism
- <https://www.aclu.org/blog/smart-justice/mass-incarceration/bloomberg-gives-one-hand-takes-other?redirect=blog/mass-incarceration/bloomberg-gives-one-hand-takes-other>

Floyd Lawsuit

Opinion here

<https://assets.documentcloud.org/documents/750446/stop-and-frisk-memoranda.pdf>

- *This wasnt the first suit (Daniels)!*
 - Filed 1999 in the wake of the Diallo shooting and settled in 2003
 - Disbanding of Street Crimes Unit
 - Acknowledgment of rampant racial profiling
 - Agreement to audit and track
- The pressure to generate stats and arrests led to not just noncompliance with Daniels but a shocking explosion in Terry stops and profiling -

As early as 1999, a report from New York's Attorney General placed the City on notice that stops and frisks were being conducted in a racially skewed manner. Nothing was done in response. In the years following this report, pressure was placed on supervisors to increase the number of stops. Evidence at trial revealed that officers have been pressured to make a certain number of stops and risk negative consequences if they fail to achieve the goal. Without a system to ensure that stops are justified, such pressure is a predictable formula for producing unconstitutional stops. As one high ranking police official noted in 2010, this pressure, without a comparable emphasis on ensuring that the activities are legally justified, "could result in an officer taking enforcement action for the purpose of meeting a quota rather than because a violation of the law has occurred."

Also: <https://www.theguardian.com/world/2012/mar/30/nypd-stop-and-frisk-marijuana>

- Floyd case filed in 2008
- Class action

- Monell/1983 claim against municipality - must show an official policy, unofficial longstanding practice, deliberate indifference or policymaker decision
 - Deliberate indifference standard
- 4th amendment
 - If stops are not consistent with Terry standard -- if no reasonable suspicion -- then 4th amendment rights are violated
- Equal protection claim
 - Racial imbalance: approximately 85 percent of those stopped are Black and Latino, even though these two groups make up only 52 percent of the city's population
 - MORE BLACK MEN WERE STOPPED AND FRISKED THAN LIVE IN NYC <https://www.bbc.com/news/world-us-canada-45679050>
- Tried only 19 (a tiny fraction!) of the stops -- took nine weeks
- Plainly illegal:

"I emphasize at the outset, as I have throughout the litigation, that this case is not about the effectiveness of stop and frisk in deterring or combating crime. This Court's mandate is solely to judge the constitutionality of police behavior, not its effectiveness as a law enforcement tool. Many police practices may be useful for fighting crime — preventive detention or coerced confessions, for example — but because they are unconstitutional they cannot be used, no matter how effective. "The enshrinement of constitutional rights necessarily takes certain policy choices off the table."

Appeal

- Bloomberg fought , not willing to concede
- Bloomberg sued city council to stop them from stopping him from profiling
 - <https://www.nytimes.com/2014/03/06/nyregion/de-blasio-drops-challenge-to-law-on-police-profiling.html>
 - Bloomberg literally vetoed this: "The law broadened the number of New Yorkers who are protected against bias, including categories like sexual orientation and housing status, and opened state courts up to suits on the issue by individuals."

II(a). Sidebar on Schiendlin

- 1998, she oversaw the trial of Francis X. Livoti, a former police officer who was convicted of violating the federal civil rights of Anthony Baez
- Zubilake: First judge to really intelligently grapple with the realities of e-discovery

Pantsing by Court: Second circuit reassigned the case

Public humiliation

WRAP UP: Appeal ultimately withdrawn by diBlasio

III. Nunez/Rikers

Tie to stop and frisk (while statistically, not many stops yielded fruit, those that did often did stints in Rikers), many of them teenagers

Describe Rikers, History

- Detainees vs Prisoners
- High-level background on NYC jails and force here
https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1351&context=law_journal_law_policy

Earlier and lawsuits and consent decrees

Rikers is a festering, sweltering pit of despair in the shadow of LaGuardia's runways, subject of untold thousands of individual and class action lawsuits

- The Department has been the subject of six use-of-force related class action lawsuits brought by inmates and their advocates, starting back in the 1980s and continuing today with Nunez v. the City of New York, 11 Civ. 5845 (LTS)(THK), a class action alleging system-wide violations of inmates' constitutional rights. Four of the previous class actions focused on specific facilities, including the jail currently known as EMTC (Fisher v. Koehler, 83 Civ. 2128), the Bellevue Prison Psychiatric Ward (Reynolds v. Ward, 81 Civ. 101), the Brooklyn House of Detention (Jackson v. Montemango, 85 Civ. 2384), and the CPSU (Sheppard v. Phoenix, 91 Civ. 4148). The fifth class action, like Nunez, alleged system-wide constitutional violations (Ingles v. Toro, 01 Civ. 8279). All of these cases settled by either court-ordered or private settlement, instituting limited injunctive relief and certain reforms related to use of force practices and policies. In Nunez, which is currently in discovery, plaintiffs allege that any reforms that were instituted as a result of these cases were not sustained once those settlements and court orders terminated.
- Reynolds v. City of New York, 11 Civ. 621 (S.D.N.Y.) (alleging beat-up in GMDC resulting in shoulder fracture and loss of consciousness; settled for \$200,500); Mull v. City of New York, 08 Civ. 8854 (S.D.N.Y.) (alleging beat-up in AMKC resulting in diffuse axonal injury to brain, partial loss of eyesight and partial loss of hearing and requiring the victim to take seizure medications; settled for \$550,000); Belvett v. City of New York, 09 Civ. 8090 (S.D.N.Y.) (alleging beat-ups at GMDC Case 1:11-cv-05845-LTS -THK Document 15 Filed 05/24/12 Page 28 of 89 29 and RNDC resulting in facial fracture; settled for \$350,000); Youngblood v. Baldwin, 08 Civ. 5982 (S.D.N.Y.) (alleging beat-up at GRVC resulting in skull laceration and broken nose; settled for \$240,000); Williams v. City of New York, 07 Civ. 11055 (S.D.N.Y.) (alleging beat-up in OBCC resulting in fractured jaw and facial bones and torn earlobe; settled for \$202,500); Williams v. City of New York, 09 Civ. 5734 (S.D.N.Y.) (alleging beat-up in RNDC resulting in laceration to head; settled for \$87,500); Lee v. Perez, 09 Civ. 3134 (S.D.N.Y.) (alleging beat-up at

NIC resulting in multiple rib fractures, a spinal fracture and a collapsed lung; settled for \$300,000); *Shuford v. City of New York*, 09 Civ. 945 (S.D.N.Y.) (alleging two beat-ups at RNDK resulting in facial fractures; settled for \$375,000); *Diaz v. City of New York*, 08 Civ. 4391 (S.D.N.Y.) (alleging beat-ups involving two inmates, one at AMKC and one at OBCC; settled for \$400,000 and \$450,000, respectively); *Lugo v. City of New York*, 08 Civ. 2931 (S.D.N.Y.) (alleging beat-up at NIC resulting in orbital fracture; settled for \$185,000); *Cuadrado v. City of New York*, 07 Civ. 1447 (S.D.N.Y.) (alleging beat-up at RNDK resulting in punctured lung; settled for \$175,000); *Scott v. City of New York*, 07 Civ. 3691 (S.D.N.Y.) (alleging beat-up at GMDC resulting in orbital fracture; settled for \$175,000); *Pischeottola v. City of New York*, 06 Civ. 2505 (S.D.N.Y.) (alleging beat-up at Case 1:11-cv-05845-LTS -THK Document 15 Filed 05/24/12 Page 29 of 89 30 RNDK resulting in punctured lung requiring chest tube; settled for \$150,000); *Rice v. N.Y.C.D.O.C.*, 03 Civ. 582 (S.D.N.Y.) (alleging beat-ups of two inmates at GRVC resulting in collapsed lung and contusion hematomas, in one case, and in neck and spinal cord injuries causing permanent stutter, in the other; settled for \$255,000 and \$590,000, respectively); *Joseph v. N.Y.C.D.O.C.*, 02 Civ. 9219 (S.D.N.Y.) (alleging beat-up at GRVC resulting in orbital fracture; settled for \$375,000).

- Sheppard v Phoenix
 - Hideous pattern of brutality in punitive segregation (CPSU) at Rikers
 - Case took 8 years to litigate - filed initially by a pro se litigant
 - [Give a little love to jailhouse lawyers]
 - “Greeting beatings” - beat you to a pulp when you are put in
 - Expert quotes:
 - “The CPSU occupies the third ring of hell in the field of corrections in the United States,” a jail expert who visited the unit wrote in a report. “Staff’s behavior in this highly secure unit is . . . psychopathic behavior.”
 - [T]he sheer number of serious incidents (multiple and serious injuries to inmates) that are disproportionate to the threat of harm to staff (because the inmates are either unarmed, restrained or locked securely in a cell) is unprecedented in my experience ... Multiple head injuries sustained by inmates in routine applications of force in the CPSU [are] so commonplace as to constitute a clear pattern and practice of employing techniques intended to harm rather than restrain and control inmates ... The evidence of a pattern of excessive and unnecessary force in the CPSU from 1988 to 1996 represents the most uniform and prodigious body of evidence, from the highest levels of the Department to the line level staff in the CPSU, I’ve encountered in my career.
- Strong link between punitive segregation and adolescent detention:

Between 2007 and mid-2013, the total number of solitary-confinement beds on Rikers increased by more than sixty per cent, and a report last fall found that nearly *twenty-seven per cent of the adolescent inmates were in solitary*. “I think the department became severely addicted to solitary confinement,” Daniel Selling, who served as the executive director of mental health for New York City’s jails, told me in April; he had quit his job two weeks earlier. “It’s a way to control an environment that feels out of control—lock people in their cell,” he said. “Adolescents can’t handle it. Nobody could handle that.”

Case study: Kalief Browder <https://www.newyorker.com/magazine/2014/10/06/before-the-law>

- Arrested in 2010 at 16 years old
- held for three years in appalling conditions over a false robbery charge, eventually DA just dropped the case - spent two of the three in punitive segregation
- COs challenging kids to fight in the showers where there were no cameras
- Browder eventually killed himself in 2015
- \$3M settlement ... plus reforms!

Strip search cases:

- McBean v City: A hundred thousand misdemeanor detainees were unlawfully strip searched between 2002-2007
 - Forced gynecological exams
 - \$33M settlement
- Grottano v City - Visitor strip searches
 - The kids caught up in stop and frisk would be sent here and their mothers and sisters and girlfriends would be sexually humiliated!
<https://theintercept.com/2017/01/10/rikers-island-strip-search-new-york-city-jails-visitors/>
 - Settled for \$13M - \$500-\$4000 per class member
 - [Maybe an aside about the fundamental absurdities of class actions for money]

Nunez case - Systematic brutalizing of adolescent inmates

- Factual background
 - Filed in 2011 by LAS
Complaint: <https://www.clearinghouse.net/chDocs/public/JC-NY-0055-0001.pdf>
 - DOJ intervenes in 2015
 - Expert report <https://www.clearinghouse.net/chDocs/public/JC-NY-0055-0011.pdf>
 - Adolescents are at constant risk of physical harm while incarcerated. The number of injuries sustained by adolescents is staggering. For instance, during the period April 2012 through

April 2013, adolescents sustained a total of 754 visible injuries, according to DOHMH data.

- The prevalence of head injuries is particularly striking. Adolescents suffer a disproportionate number of the reported inmate head injuries on Rikers. From June 2012 through early July 2013, adolescents sustained a total of 239 head injuries, and were twice as likely to sustain such injuries as was the adult population.
- Rikers staff strike adolescents in the head and face at an alarming rate, and too often employ force for the purpose of inflicting injuries and pain. Inmates are beaten as a form of punishment, sometimes in apparent retribution for some perceived disrespectful conduct. Correction officers improperly use injurious force in response to refusals to follow orders, verbal taunts, or insults, even when the inmate presents no threat to the safety or security of staff or other inmates. Adolescents have alleged that officers deliberately take them to off-camera locations in order to beat them and inflict serious injuries that will not be captured on video. Finally, staff frequently continue to strike inmates after they are clearly under control and effectively restrained, often attempting to justify their actions later by reporting that the inmate continued to resist.
- The vast majority of RNDC staff, including supervisors, have no prior professional experience working with adolescents. However, until recently, DOC offered no comprehensive training on how to interact with and manage incarcerated youth, despite the dire need for such specialized training. Indeed, after reviewing an incident in late 2012 where an officer improperly utilized force against an inmate in response to a verbal disagreement, the RNDC Integrity Control Officer recommended that the officer receive counseling and wrote: *"We have to set up some type of training to enforce to staff how to effectively deal with the adolescent population. Staff cannot continuously respond to the kids like they do their own. If this were an adult?????????????"*

- Case settles in 2015

- Monitor Appointed - Steve J Martin

- Class dimensions, breadth of issues

Settlement - appointment of monitor

- Approved settlement <https://www.clearinghouse.net/chDocs/public/JC-NY-0055-0009.pdf>

Monitor reports -- shit is just getting worse

<https://www1.nyc.gov/site/doc/media/nunez-reports.page>

<https://thecity.nyc/2019/10/nyc-jail-guards-using-violent-force-more-often-monitor-says.html>

- The number of officer uses of force against 16-and 17-year old youths who were relocated from city Correction Department jails to Horizon Juvenile Center in The Bronx also has gone up despite a declining population in the youth facility, the report said.
- The increases in officer violence highlighted in the monitor's latest findings continue an upward trend. In its April report, the federal monitor reported that the department's "unremitting" use of force hit a three-year high.

This is what impact litigation is. For those of you thinking about public interest law

IV. Conclusion

Di Blasio has announced a plan to shutter rikers and replace with smaller, more localized jails in
TEN YEARS

NIMBY Lawsuits have now started popping up to oppose this plan

<https://nypost.com/2020/02/12/south-bronx-group-sues-nyc-over-plan-to-shutter-rikers-island/>
<https://patch.com/new-york/foresthills/queens-homeowners-sue-city-over-kew-gardens-jail-plan>

* * *

Nothing ever gets any better